

Notice of Allowability

Application No.

10/600,731

Examiner

Rodney H. Bonck

Applicant(s)

SEVERINSSON, LARS

Art Unit

3681

WJ

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the amendment received July 22, 2004.
2. ☒ The allowed claim(s) is/are 1-7.
3. ☒ The drawings filed on 20 June 2003 are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

The following action is in response to the amendment received July 22, 2004.

Specification

Applicant's amendment to the specification overcomes the objection set forth in the previous Office action. The objection to the specification is withdrawn.

Allowable Subject Matter

Claims 1-7 are allowed.

Reasons for Allowance

The following is an examiner's statement of reasons for allowance:

The amendment to claim 4 overcomes the rejection under 35 USC 112, second paragraph, set forth in the previous Office action. The rejection under 35 USC 112, second paragraph, is withdrawn.

The terminal disclaimer filed July 22, 2004 has been approved and thus the obviousness-type double patenting rejection set forth in the previous Office action is overcome. The obviousness-type double patenting rejection is withdrawn.

Claim 1 is interpreted to claim the actuator in combination with the service brake actuator shaft since the shaft, initially recited in the preamble, is positively recited in the body of the claim. Furthermore, the "means for transferring the rotative energy of the clock spring to the actuator shaft" is seen to invoke the sixth paragraph of 35 USC 112

and thus covers the corresponding structure described in the specification and equivalents thereof.

None of the prior art of record shows or renders obvious a spring brake actuator as recited in claim 1, including a clock or spiral spring attached at an outer end to the housing and mechanically charged at a rotation of the actuator shaft in a brake applying direction, an electric coil for keeping the clock spring in its charged condition, and transfer means transferring the energy of the spring to the shaft in a brake applying direction when the coil is deenergized and allowing free rotation of the shaft in either direction when the coil is energized.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Cited Reference


The Severinsson(US 2004/0060783 A1) document is the Pre-Grant Publication of the application SN 10/600,732, referred to in the now-withdrawn provisional obviousness-type double patenting rejection of the previous Office action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rodney H. Bonck whose telephone number is (703)-

308-2904. The examiner can normally be reached on Monday-Friday 7:00AM - 3:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles A. Marmor can be reached on (703)-308-0830. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Rodney H. Bonck
Primary Examiner
Art Unit 3681

rhb
August 19, 2004